



FREQUENTLY ASKED QUESTIONS

A properly implemented Lacey Act can protect endangered species while also maintaining U.S. jobs and keeping musicians and small-business owners on the right side of the law. The RELIEF Act ensures fairness in the law. It also preserves strict current regulations to prevent illegal logging and the trade of illegally sourced plant materials. You can't uncut a tree. If we allow abuse to our environment, we all suffer.

Over the past three years, a broad coalition of environmental, business, manufacturing, hardwood, and other groups has sought to clarify the Lacey Act. The coalition, including the Environmental Investigation Agency (EIA), the Hardwood Federation, the National Association of Manufacturers (NAM), the Retail Industry Leaders Association (RILA) and the Sierra Club, produced a series of three "Consensus Statements" laying out proposed changes.

After three years, no agency has taken action. Seeing no change, Congressman Cooper chose to pursue a legislative course. Many provisions in the RELIEF Act are based on these proposed changes. The RELIEF Act is designed to ensure full compliance with the law and protect the environment.

Is it currently illegal to buy or travel with products that contain rare wood?

Yes. The 2008 amendments to the Lacey Act made it illegal to buy or travel with products that contain rare wood banned by the Lacey Act. See the specific text from the 2008 amendments:

Section 3372, (a)(2)(B)

It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants.

Does the RELIEF Act change this provision?

Yes, but only for products imported prior to the Lacey Act Amendments of 2008. The RELIEF Act includes a grandfathering provision so that any plant or plant product imported or created before May 22, 2008, is exempt from the law.

This provision was based on the proposed solution from the coalition's Consensus Statements 1 and 2.

"The Lacey Act amendments should not apply to plant and plant products that were imported prior to the enactment of the amendments."

Consensus Statement 2, June 29, 2010

How does the RELIEF Act affect requirements on non-solid wood (composite) products?

Many products are made of a combination of solid and non-solid woods. The RELIEF Act eliminates the declaration process for ONLY the non-solid wood parts of an item.

For example, a wooden dresser has a particle board back. The solid wood parts of the dresser are subject to declarations; the particle board is not.

This is based on the coalition's Consensus Statements 1 and 2.

"It is difficult, if not impossible, to declare the genus and species of wood used in certain composite products such as particle board or medium density fiberboard (MDF)... This group has agreed that Lacey declarations for particleboard (HTS 4410) and fiberboard (HTS 4411) and other equivalent engineered composite materials, and any components thereof in other products, should not be mandatory until appropriate administration agencies determine it is feasible and practical to collect the required information."

Consensus Statement 2, June 29, 2010

Does the RELIEF Act affect current federal investigations?

No. The RELIEF Act would have no bearing on any current federal investigations.

In addition, if a product has been proven stolen, that constitutes a knowing violation of the law. The RELIEF Act does not apply, as it differentiates between knowing and unknowing violations.

How does the RELIEF Act change penalties for offenders?

The bill would not reduce or eliminate penalties for anyone found to have knowingly imported or purchased illegal wood.

For those who did not knowingly violate the Lacey Act, the RELIEF Act limits penalties of "first infractions" to \$250.

Isn't there already a process for implementing changes to the Lacey Act?

Yes, there is a process to make regulatory changes to the Lacey Act. But that process has not worked. Many groups, including the coalition that released a series of consensus statements, have been unsuccessful at implementing even modest clarifications to the law.

Legislative action is needed to achieve the intent of the Lacey Act to curtail illegal logging and protect the environment.

Does the RELIEF Act eliminate the requirement for manufacturers and retailers to abide by foreign laws?

No. The RELIEF Act calls on agencies to compile a complete database of all foreign laws to help ensure full Lacey Act compliance and curb illegal logging.